**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 3258 OF 2004**

**AND**

**CIVIL APPLICATION NO. 907 OF 2005**

**IN**

**FIRST APPEAL STAMP NO. 23777 OF 2004**

New India Assurance Co. Ltd.
& Anr. ..Appellants
Smt. Sunanda M. Thorve & Ors. ..Respondents

Mr. S. M. Vidyarathi for the Appellants.
Mr. R. V. More for the Respondents.

**CORAM : D. G. DESHPANDE,J.**

**DATE : 19TH AUGUST,2005**

**P.C. :**

1. Heard.

2. Civil Application No. 3258 of 2004 is for condonation of delay of 22 days. Delay is satisfactorily explained. Delay is condoned. Civil Application disposed of.

3. Civil Application No. 907 of 2005 is an

application filed by the respondents for permission to withdraw the amount of about Rs.9,74,000/- deposited by the appellants which includes the principal amount of compensation and the interest thereupon. Counsel for the respondents states that two of the respondents are of marriageable age and therefore amount is required urgently.

4. Appeal is filed by the Insurance Company challenging negligence and the quantum. Counsel for the appellants contended that the respondents should not be allowed to withdraw the amount, and if at all they are permitted to withdraw the amount, they should be asked to furnish bank guarantee. Respondent nos. 1, 2, 3 and 5 are families. They are residing in some village and it may not be possible for them to furnish bank guarantee. Therefore looking to the challenge to the quantum and negligence, the respondents are permitted to withdraw Rs.5 lacs only after furnishing security and bond to the satisfaction of the Tribunal. Rest of the amount to be invested by the Tribunal for a period of three years initially. Civil Application disposed of.

19.8.2005 (D.G. DESHPANDE, J.)